

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MELVIN EARL SIMS

PLAINTIFF

v.

CASE NO. 5:14-CV-00227 BSM

DAMETRIA ROCHELLE, et al.

DEFENDANTS


ORDER

A recommended disposition from Magistrate Judge Beth Deere has been received, and no objections have been filed. The recommendation should be, and hereby is, approved and adopted in all respects.

When entering a final order adverse to a habeas corpus petitioner, a certificate of appealability must be issued or denied. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

Mr. Sims's claims are dismissed without prejudice under Local Rule 5.5.

IT IS SO ORDERED this 30th day of September 2014.


CHIEF UNITED STATES DISTRICT JUDGE